

ARTICLE I
Adoption of Code

§ 1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Cobleskill, as codified by General Code, and consisting of Chapters 1 through 140, together with an Appendix, shall be known collectively as the “Code of the Town of Cobleskill,” hereafter termed the “Code.” Wherever reference is made in any of the local laws, ordinances and resolutions contained in the “Code of the Town of Cobleskill” to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Cobleskill, and it is the intention of said Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

§ 1-3. Repeal of enactments not included in Code.

All local laws and ordinances of a general and permanent nature of the Town of Cobleskill in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

§ 1-4. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Cobleskill prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Cobleskill or any penalty, punishment or forfeiture which may result therefrom.

- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Cobleskill.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Cobleskill.
- E. Any local law or ordinance of the Town of Cobleskill providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Cobleskill or any portion thereof.
- F. Any local law or ordinance of the Town of Cobleskill appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Cobleskill or other instruments or evidence of the Town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any local law or ordinance establishing a planned development district.
- O. Any local law adopted subsequent to 12-20-2010.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Cobleskill and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified by the Town Clerk of the Town of Cobleskill by impressing thereon the Seal of the Town, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the “Code of the Town of Cobleskill” or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town Board to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Town Board deems desirable.

§ 1-8. Code book to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Cobleskill required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all local laws, ordinances and resolutions adopted by the Town Board subsequent to the enactment of this local law in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes, local laws, ordinances or resolutions until such changes, local laws, ordinances or resolutions are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-9. Sale of Code book; supplementation.

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-10. Penalties for tampering with Code.

Any person who alters or tampers with the Code of the Town of Cobleskill in any manner whatsoever which will cause the legislation of the Town of Cobleskill to be misrepresented

thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-11. Changes in previously adopted legislation; new provisions.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Cobleskill, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

§ 1-12. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Cobleskill, such local law to be entitled “General Provisions, Article I, Adoption of Code,” and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

§ 1-13. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Town of Cobleskill Code Adoption Local Law

Schedule A Specific Revisions at Time of Adoption of Code

Chapter 12, Ethics, Code of.

The following sentence is added to the definition of "officer or employee" in § 12-2: "No person shall be deemed to be a Town officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a fire chief or assistant fire chief."

Chapter 18, Investment Policy.

Section 18-5 is amended to add Wilber National Bank and NBT Bank NA and to delete Central National Bank.

Chapter 23, Local Laws, Adoption of.

Section 23-5 is amended to delete the wording "the State Comptroller" in the second sentence.

Chapter 81, Flood Damage Prevention

Section 81-11B is amended to change "All applications for a floodplain development permit shall be accompanied by an application fee of \$0" to "All applications for a floodplain development permit shall be accompanied by an application fee as set by resolution of the Town Board."

Chapter 120, Subdivision of Land.

1. The following sections are revised to change "45 days" to "62 days": § 120-7F and G(1), § 120-8F(1) and § 120-11E and F(1).
2. Section 120-16 is amended to change "30 days" to "62 days."

Chapter 140, Zoning.

1. Section 140-20A(3) is amended to change "the term of five years" to "the term of seven years."
2. Section 140-21A(1)(b) is amended to change "may consist of five or seven members" to "shall consist of five members."

3. In Appendix B, Section 5 is amended to change "45 days" to "62 days."

Ch. 32, Procurement Policy

§ 32-1a, changed “physical year” to “fiscal year.” (Revised to fiscal year.)

Part 11, General Legislation:

Ch. 64, Construction Codes, Uniform

- ▲ Section 6 (c) and 15 (a) – **Revised to “certified mail”** from “registered mail”.
- ▲ Section 10 – **Revised to strike Alternative #2**
- ▲ Section 11, Subsection (3) – **Revised to insert “36 months”**
- ▲ **Section 11 (c) - Revised to remove** ([INCLUDE THE FOLLOWING PROVISIONS IF THE CITY / TOWN / VILLAGE WISHES TO RELY ON THE INSPECTIONS PERFORMED BY OFPC, AND DOES NOT WISH TO HAVE THE CODE ENFORCEMENT OFFICER INSPECT BUILDINGS THAT ARE INSPECTED BY OFPC: Notwithstanding any other provision of this section to the contrary:
 - the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
 - the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;
 - the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section; and)
- ▲ Section 15 (d) Specify the executive officer or body: Injunctive Relief. An action or proceeding may be instituted in the name of this [City / Town / Village], in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, [Certificate of Occupancy / Certificate of Compliance], Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this [City / Town / Village], in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the [specify executive officer or body] of this [City / Town / Village]. **Revised to insert “Town Supervisor”.**
- ▲ Section 17 Specify title: The Town Board of the Town of Cobleskill may, by resolution, authorize the [specify title] of this [City / Town / Village] to enter into an agreement, in the

name of this [City / Town / Village], with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law. **Revised to insert "Town Supervisor".**

Ch. 98, Notification of Defects

- ▲ No Civil action shall be maintained against the Town of Cobleskill or the Town of Cobleskill Superintendent of Highways or any other officer, agent, employee or appointee of the Town of Cobleskill for damages or injuries to person or property sustained by reason of any property owned, operated, maintained or controlled by the Town of Cobleskill being defective, out of repair, unsafe, dangerous, or obstructed unless written notice of such defective, unsafe, dangerous or obstructive condition of such property was actually given to the Town Clerk or the Superintendent of highways and there was failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of. **(Revised to insert the above underlined wording.)**

Ch. 120, Subdivision of Land

- ▲ It seems as though the correct reference to the Town Law in Article Viii should be § 278, Subdivision review; approval of cluster development, not § 281, Municipal improvements in streets. (Current § 278 was formerly § 281.) **(Revise as suggested.)**
- ▲ Section 120-20A contains a reference to Local law 5-1983; it appears the correct reference is Local law 4-1983, regarding street specifications. There is no record that the Town ever adopted a Local Law numbered 5-1983. **(Revise as suggested.)**

Ch. 140, Zoning

- ▲ In § 140-13C(3)(b)[4], Table 1, Size Standard for Signs by district, the final entry in the first column ends with an asterisk (*), however we can see no corresponding notation, **(Delete the asterisk.)**